

Office of the Standing Chapter 13 Trustee  
6100 Western Place, Ste 1050  
Ft. Worth, TX 76107  
(817)-916-4710

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:  
**GEORGE & LAURA DAVIS**  
Debtors

CASE NO: **11-43818-RFN**

Pre-Hearing: **December 06, 2013 at 9:00 AM**

Hearing: **December 12, 2013 at 8:30 AM**

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**Trustee's Motion to Dismiss For Failure to Cooperate With the Trustee**

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Comes now **Pam Bassel, Standing Chapter 13 Trustee, Movant** herein, and pursuant to Section 1307(c) of the Bankruptcy Code and Bankruptcy Rule 9014 files this Trustee's Motion to Dismiss For Failure to Cooperate With the Trustee ("Motion"), and for same would respectfully show the Court as follows:

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 W 10TH STREET, FORT WORTH, TEXAS, BEFORE CLOSE OF BUSINESS ON November 24, 2013, WHICH IS TWENTY-FOUR (24) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

1. Debtors initiated the instant Chapter 13 proceeding by the filing of a voluntary petition on July 4, 2011.
2. Section 521(f) of the Bankruptcy Code provides, *inter alia*,: "At the request of the court, the United States Trustee, or any party in interest in a case under chapter 7, 11, or 13, a debtor who is an individual shall file with the court - (1) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter; ... "
3. Movant is the Trustee, and therefore, is a party in interest in this case.
4. Debtors are individuals and have a duty to cooperate with the Trustee in regard to 11 USC Section 521.
5. On April 11, 2013 the Trustee mailed to Debtors by United States First Class Mail postage paid, at their home address shown on the Petition or any notice or change of address most recently received from the Debtors by the Trustee, a "2012 Tax Year Reminder Notice" ("the Request") which contained the following statement: **"The Trustee hereby requests a copy of the first two pages of your 2012 1040/1040A/1040EZ Federal Tax RETURN and Schedule C (if filed), when the RETURN is filed."** The Trustee's email address, fax number, and mailing address were provided.
6. The Request also stated: "If you request an extension from the IRS for filing your RETURN...please provide a copy of that request for extension when filed (no later than April 15th, 2013) to this office and then provide the RETURN once filed."
7. Finally, the Request also stated: "If you are not required to file a RETURN, please contact your attorney so that he or she can assist you in preparing an affidavit as to why a RETURN is not required."
8. A request for extension for filing the 2012 Tax Return was provided to the Trustee on July 01, 2013 but the Trustee has not yet received a copy of the 2012 Tax Return

Trustee's Motion to Dismiss For Failure to Cooperate With the Trustee

Case # 11-43818-RFN

GEORGE & LAURA DAVIS

Page 2

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9. Therefore, the Trustee is requesting that the Court dismiss this case for Debtors failure to cooperate with the Trustee for not filing with the Court the 2012 Tax Return as required under Section 521(f), which would have enabled the Trustee to perform the duties required under Sections 1302(b) and 704(a)(4) of the Bankruptcy Code.

**WHEREFORE, PREMISES CONSIDERED**, Pam Bassel, Standing Chapter 13 Trustee, Movant herein, prays that this Court dismiss this Chapter 13 bankruptcy.

Respectfully submitted,  
PAM BASSEL, CHAPTER 13 TRUSTEE

Date: 10/31/2013

By: /s/ Pam Bassel

Thomas D. Powers  
State Bar No. 16218700  
6100 Western Place, Ste 1050  
Ft. Worth, TX 76107  
(817) 916-4710

**NOTICE OF HEARING**

You are hereby notified of the filing of the foregoing Trustee's Motion. A pre-hearing conference on the Trustee's Motion will be held on **12/6/2013** at 9:00 AM by the Trustee at 6100 Western Place Dr., Ste. 550, Fort Worth, Texas, 76107. Any objection or response to the proposed Motion not resolved or defaulted at the Pre-Hearing Conference will be heard by the Court at 8:30 AM on **12/12/2013** at 501 W 10th Street, Fort Worth, Texas. You do not have to attend the pre-hearing conference or hearing unless you oppose the Motion.

Trustee's Motion to Dismiss For Failure to Cooperate With the Trustee

Case # 11-43818-RFN

GEORGE & LAURA DAVIS

Page 3

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**Certificate of Service**

I hereby certify that a copy of the foregoing "Trustee's Motion to Dismiss For Failure to Cooperate With the Trustee " was served on the following parties at the addresses listed below by United States First Class Mail or via electronic mail.

Debtors: George & Laura Davis, 710 Crow s Pt, Lake Bridgeport, Tx 76426  
Attorney: Leinart Law Firm, 11520 N Central Expwy Ste 212, Dallas, Tx 75243

Date: 10/31/2013

/s/ Pam Bassel

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Pam Bassel, Trustee